

AO 91 (Rev. 1/1/12) Criminal Complaint

AUSA Ann Marie E. Ursini, (312) 697-4092

SAUSA Jill Bhalakia, (312) 353-5157

FILED
10/21/2024

THOMAS G. BRUTON
CLERK, U.S. DISTRICT COURT

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

UNITED STATES OF AMERICA

v.

HECTOR LEONARDO GUTIERREZ

CASE NUMBER: 1:24-cr-00490

UNDER SEAL

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief. On or about October 3, 2024, at Chicago, in the Northern District of Illinois, Eastern Division, the defendant(s) violated:

Code Section

Title 18, United States Code, Section
875(c)

Offense Description

transmitted a threat to injure another person in interstate commerce.

This criminal complaint is based upon these facts:

X Continued on the attached sheet.

Heath Parvis

HEATH PARVIS

Special Agent, Federal Bureau of Investigation
(FBI)

Pursuant to Fed. R. Crim. P. 4.1, this Complaint is presented by reliable electronic means. The above-named agent provided a sworn statement attesting to the truth of the Complaint and Affidavit by telephone.

Date: October 21, 2024

Jeffrey T. Gilbert
Judge's signature

City and state: Chicago, Illinois

JEFFREY T. GILBERT, U.S. Magistrate Judge

Printed name and title

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS

AFFIDAVIT

I, Heath Parvis, being duly sworn, state as follows:

1. I am a Special Agent with the Federal Bureau of Investigation (FBI) and have been so employed for 9 years. My current responsibilities include the investigation of violations relating to weapons of mass destruction (WMD), chemical, biological, radiological, nuclear, and explosives (CBRNE) violations, to include false information and hoaxes.

2. This affidavit is submitted in support of a criminal complaint alleging that HECTOR GUTIERREZ has violated Title 18, United States Code, Section 875(c). Because this affidavit is being submitted for the limited purpose of establishing probable cause in support of a criminal complaint charging HECTOR LEONARDO GUTIERREZ with sending an interstate communication with a threat to injure, I have not included each and every fact known to me concerning this investigation. I have set forth only the facts that I believe are necessary to establish probable cause to believe that the defendant committed the offense alleged in the complaint.

3. This affidavit is based on my personal knowledge, information provided to me by other law enforcement agents, interviews of witnesses, my review of records related to his investigation, communications with others who have knowledge of the events and circumstances described herein, and information gained through my training and experience.

I. SUMMARY

4. As described below, on or about October 3, 2024, GUTIERREZ publicly posted to **Subject Account 1**, a social media account, a screenshot of a communication intended for Victim 1, in which GUTIERREZ claimed he would “chop [Victim 1] into 100 pieces” while Victim 1 was “alive”. Based on my training and experience I know that public posts to the social media account in question are viewable via the internet to persons anywhere in the United States with or without an account.

5. The October 3, 2024 screenshot was posted in close proximity to several other messages GUTIERREZ posted on **Subject Accounts 1, 2, 3 and 4** threatening violence toward Victim 1, describing violent acts toward Victim 1’s minor child, and encouraging others to harass Victim 1, whose work location and phone number GUTIERREZ also publicly posted.

6. In the postings, GUTIERREZ sometimes referred to Victim 1 by name, and other times as “Victim 1 Nickname.”

7. GUTIERREZ’ postings sometimes included Victim 1’s Phone Number. According to law enforcement records and Victim 1, who was interviewed in October 2024 by FBI, Victim 1 Phone Number belongs to Victim 1.

8. According to law enforcement records and Victim 1, Victim 1 works at a barbershop, located at Victim 1 Work Address, an address known to law enforcement.

9. **Subject Account 1** and the other **Subject Accounts** referenced in this Affidavit are Facebook accounts operated by Meta Platforms, Inc. I am aware that

public postings to Facebook, including those described in this Affidavit, are viewable online to persons located anywhere in the United States. I am specifically aware that, on or about October 18, 2024, an FBI Special Agent located in California reviewed the posting by Subject Account 1 on October 3, 2024 containing a screen shot of a text message to Victim 1 stating, "I'm going to chop you into one hundred pieces while you're alive," which was publicly viewable on Facebook.

II. BACKGROUND OF HECTOR GUTIERREZ

a. Relationship with Victim 1

10. Victim 1 was interviewed by FBI in October 2024. where he was shown a photograph of GUTIERREZ taken from his state issued ID. Victim 1 identified the individual in the photo as GUTIERREZ. According to Victim 1, he met GUTIERREZ when GUTIERREZ was a sophomore in high school while Victim 1 lived in an apartment with GUTIERREZ's cousin. Victim 1 liked GUTIERREZ and they were friends. When Victim 1's mom moved in with Victim 1, GUTIERREZ would help watch over her while Victim 1 worked at a barbershop.

11. Around 2020, GUTIERREZ started living above the barbershop where Victim 1 worked. GUTIERREZ started stealing petty cash and causing problems. Victim 1 kicked GUTIERREZ out of the barbershop and he was no longer allowed to stay upstairs. GUTIERREZ responded by putting graffiti on the building, breaking windows, and periodically breaking into the barbershop. Victim 1 did not file police reports for every incident that occurred.

12. According to law enforcement records, on May 4, 2022, GUTIERREZ was arrested for burglary. Police records indicate that GUTIERREZ, took approximately \$1,020 in equipment from Victim 1 and another individual at Victim 1's Work Location, before disconnecting a camera and leaving the store. In social media postings described below, GUTIERREZ posted messages about thefts at Victim 1's Work Location.

b. GUTIERREZ' Social Media Accounts

13. GUTIERREZ operates multiple social media accounts, including accounts with the vanity names, "Pablo Picazo" (Subject Account 1), "Hector Leonardo Gutierrez" (Subject Account 2), "Hector Gutierrez" (Subject Account 3), and "Samuel Adams" (Subject Account 4) (collectively, the Subject Accounts). I have reviewed public facing portions of the account, including biographic information and vanity names. I have also reviewed records from Meta, the service provider of the Subject Accounts.

14. I believe that GUTIERREZ operates the Subject Accounts because:

a. The vanity names and registered names for Subject Accounts 2 and 3 are GUTIERREZ' true name (Subject Account 2 is his first and last name, and Subject Account 3 is his first, middle, and last names).

b. The profile photos for all of the Subject Accounts appear to be headshots of the same person in the same clothing, as though they were taken in the same sitting.

c. I have compared and Illinois State Identification Photo for GUTIERREZ against the profile photo in each of the Subject Accounts, and all photos appear to be consistent with the same individual.

d. Each of the Subject Accounts frequently post messages in which they “tag” the other accounts as “with” the other three Subject Accounts. For example, a posting by the user of Facebook account “Pablo Picazo” would indicate the user is “with” the user of Facebook accounts “Hector Leonardo Gutierrez”, “Hector Gutierrez” and “Samuel Adams”.

e. The Subject Accounts often post similar language within close temporal proximity. For example, as described further below, on the same day, October 05, 2024, Subject Account 2, 3, and 4 posed rhetorical questions about a robbery at Victim 1’s place of employment. Subject Account 2 posted, “Didn’t [Victim 1]’s barbershop get robbed twice?”. Subject Account 3 posted, “I heard they broke [Victim 1]’s barbershop windows after he got robbed.” Subject Account 4 posted, “Hey, did they ever find out who Robbed [Victim 1]’s ([Victim 1]’s nickname) barbershop?”

f. The Subject Accounts post about locations and activities consistent with GUTIERREZ’s history. For example, according to police records, GUTIERREZ was charged on October 10, 2024, in Oak Lawn, Illinois with 41 misdemeanor counts. On October 10, 2024, Subject Account 2 posted, “I got arrested again. 41 counts misdemeanor.”

g. The profile photos for all the Subject Accounts show an individual wearing red and gold capes against a purple backdrop. On October 11, 2024, law

enforcement observed red, gold, and purple fabric which appeared to match the capes and backdrop in the profile photographs underneath 115th and Cicero bridge. I believe GUTIERREZ stays underneath the 115th and Cicero bridge because GUTIERREZ has previously posted from Subject Account 2 on September 24, 2024, “you niggas know I live under the bridge on 67th and Cicero, 115th and Cicero, and 123rd and Pulaski”. Additionally, Alsip Police Department Detective has stated that GUTIERREZ was known to the department and has been living under the 115th and Cicero bridge for approximately two years. Based on the above, I believe the items observed by law enforcement were GUTIERREZ’s personal belongings.

h. When Victim 1 was interviewed by the FBI, Victim 1 identified the man pictured in the profile pictures of the Subject Accounts as GUTIERREZ. Victim 1 also knew GUTIERREZ as the user of the Subject Accounts.

III. GUTIERREZ’S THREATS TO VICTIM 1 AND VICTIM 1’s FAMILY¹

a. GUTIERREZ’ Online Threats Toward Victim 1

15. On August 22, 2022, **Subject Account 2** posted “I can kill [Victim 1] with my bare hands but he keeps that gay 380. Ruger on him.”²

16. On June 20, 2024, **Subject Account 2** posted “[Victim 1] hates me Because I Raped him in his Barbershop 3 times”; “Bro I been sparing [Victim 1] for years because his mom who weighs like 450 pounds shattered her leg I use to help

¹ The postings described in this Affidavit are examples. I have not included every post containing threatening language toward Victim 1 or Victim 1’s family.

² Throughout this affidavit, errors in quoted language are original. Material in (parentheses) are also in the original. Material in [brackets] indicates a substitution I have made to the original language, such as to anonymize the name and phone number of Victim 1.

her out while [Victim 1] went to work at the barbershop. I've been sparing him for his mom's sake. Otherwise he would of been dead April, 2020."; "When I have [Victim 1] executed it's going to be a holiday like Christmas, January 1st and 4th of July combined. Everyone is going to get Gifts and Presents."; and "After we chop [Victim 1] into a hundred pieces we're going to feed the Carnivores at Brookfield zoo. Finally he'll be useful for something."

17. On September 25, 2024, **Subject Account 2** posted, "Look what I told [Victim 1]" followed by three laughing emoji. The posting is accompanied by what appears to be a text exchange with the Victim 1 Phone Number. The photograph shows the message, "Are you sleeping yet so I can get through the cameras?" and "This yo last chance...If you don't by me a 20 bag rock you dead".

18. On September 28, 2024, **Subject Account 1** posted "Someone text [Victim 1], aka [Victim 1 Nickname] and call him [Victim 1 Nickname]. He blocked me again. [Victim 1 Phone Number]".

19. On October 3, 2024, **Subject Account 1** posted a photograph of what appears to be a text exchange including messages sent to Victim Phone Number 1. It is not clear from the screenshot itself who is the sender of the message. However, **Subject Account 1** commented on the screenshot photo, "Look what I text [Victim 1]." Within the text message screenshot, it appears the Victim 1 Phone Number was sent the following message on June 19 (no year visible), "**I'm going to chop you into one hundred pieces while you're alive.**" (emphasis added). A second message, which indicates it was sent "today" (without a date) to the Victim 1 Phone

Number states, “You tried to kill me while was in jail, [Victim 1 Nickname]?” followed by, “You’re a dead, Spic”. During an interview, Victim 1 confirmed he received these messages. Victim 1 believed GUTIERREZ sent the texts, because the text messages contained language similar to other postings from GUTIERREZ, and Victim 1 did not receive threats from anyone but GUTIERREZ.

20. On October 5, 2024, **Subject Account 2** posted “I heard [Victim 1s] (Victim 1 Nickname) was supposed to Die this year?”

b. GUTIERREZ’ Threat Toward Victim 1’s Minor Child

21. On or about June 20, 2024, Subject Account 3 posted, “I’m going to grab [Victim 1] son by the legs and slam him on the concrete floor until he’s pulp” and, “Someone text [Victim 1] [Victim 1 Phone Number] and tell him I’m going to smash his son on the floor.” Based on my review of the publicly available portion of this account, I know that the first of those two messages is no longer public and has since been deleted or restricted to certain viewers.

22. I am aware from witness interview that Victim 1 has a minor son.

c. GUTIERREZ’ Postings About Victim 1’s Work Location and Publication of the Associated Address and Phone Number

23. On October 5, 2024, **Subject Account 2** posted, “Didn’t [Victim 1s] barbershop get robbed twice?”.

24. On the same day, on October 5, 2024, **Subject Account 4**, posted “Hey, did they ever find out who robbed [Victim 1’s] (Victim 1 Nickname) barbershop?”.

25. On October 6, 2024, **Subject Account 2** posted a photograph of a barbershop with a street address. In the comment to the photo, **Subject Account 2**

wrote, “[Victim 1 Nickname] Barbershop [Victim 1 Phone Number]. Everyone that goes to this barbershop is my mortal Enemy.”

26. Based on the information above, Affiant submits that there is probable cause that on October 3, 2024, GUTIERREZ transmitted a threat in interstate commerce, in violation of Title 18, United States Code, Section 875(c).

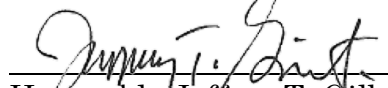
FURTHER AFFIANT SAYETH NOT.

Heath Parvis

HEATH PARVIS

Special Agent, Federal Bureau of
Investigation

SWORN TO AND AFFIRMED by telephone October 21, 2024.



Honorable Jeffrey T. Gilbert
United States Magistrate Judge